THE HON'BLE SRI JUSTICE N.V. RAMANA

Writ Petition No. 22103 of 2005

Dated: 07.08.2007

Between:

Smt. K. Meera, w/o late K. Panender,
aged 34 years, H.No.3-10-2, Shivajinagar, Nizamabad.

.... PETITIONER

AND

Canara Bank (A Government of India undertaking),
Head Office: Bangalore, rep. by its Asst. General Manager
and others.

.....RESPONDENTS

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Order:

The petitioner states that her husband, namely K. Penender died in harness on 11.07.2002 while working as Officer in the respondent-Bank. Thereafter, she made a representation dated 11.08.2002, seeking appointment on compassionate grounds, and the same was forwarded by the 2nd respondent to the

1st respondent, by letter dated 17.08.2002. However, after waiting for about 2 ½ years, she received a letter from the respondent-Bank on 16.03.2005, wherein it is stated that the respondent-Bank is not in a position to consider her case for providing compassionate appointment and that a lump sum ex-gratia amount will be paid in lieu of compassionate appointment. After receiving the said letter, the petitioner again made a representation dated 04.04.2005, not accepting the ex-gratia payment offered by the respondent Bank in lieu of compassionate appointment, and requesting the Bank officials to consider her case for providing compassionate appointment, but, so far no action has been taken by the respondent-Bank. Hence, she filed the present writ petition.

Respondents filed a detailed counter affidavit *inter alia* stating that the Government of India, after reviewing the existing scheme for providing employment on compassionate grounds, requested the Indian Banks Association to evolve a model scheme, keeping in view the spirit

of the decision of the apex Court in "**Umesh Kumar Nagpal v. State of Haryana and others**[1]**",** for payment of monetary assistance in lieu of compassionate appointment. In terms of the above, the Indian Banks Association formulated a model scheme, got it approved by the Ministry of Finance, Government of India, and advised all the Banks to frame a scheme on the basis of the model scheme formulated by them. Accordingly, the Board of Directors of the respondent-Bank, after considering the model scheme forwarded by the Indian Banks Association, framed a scheme envisaging grant of ex-gratia amount to the family of deceased employee in lieu of compassionate appointment. In view of that, the application received from the petitioner for grant of compassionate appointment was kept pending, and the petitioner, by letter dated 16.03.2005, was asked to submit her application for payment of lump sum ex-gratia amount in lieu of compassionate appointment under the new scheme, and on receipt of the said letter, she submitted her application on 13.04.2005, and the same is under process.

When the matter is taken up for hearing, learned Standing Counsel for the respondent-Bank produced copy of letter dated 21.07.2007, addressed to him by the Deputy General Manager of the respondent-Bank, wherein it is stated that the application of the petitioner dated 13.04.2005 has been processed and the competent authority has permitted to release an amount of Rs.8,00,000/- (Rupees Eight Lakhs only) to the eligible dependants of the deceased, namely K. Panender, ex-Officer, as lump sum

ex-gratia amount in lieu of compassionate appointment, but however, since the writ petition, filed by the petitioner seeking compassionate appointment, is pending consideration before this Court, the amount has not been released.

Though the learned counsel for the petitioner initially contested

the matter and prayed for compassionate appointment, given the quantum of amount, which the respondent-Bank offered towards *ex gratia* in lieu of compassionate appointment, she agreed to give up her claim of compassionate appointment and receive the amount of Rs.8,00,000/-, which the respondent-Bank agreed to pay in lump sum as ex-gratia in lieu of compassionate appointment.

Having regard to the facts and circumstances of the case, and in view of the agreed stand taken by the learned counsel for the petitioner, I deem it appropriate to dispose of the writ petition with the following directions:

The respondent-Bank is directed to pay the said amount of Rs.8,00,000/- (Rupees Eight Lakhs only) to the eligible dependants of the deceased, namely K. Panender, in lump sum ex-gratia amount in lieu of compassionate appointment, expeditiously, without any further delay.

Accordingly, the writ petition is disposed of. No costs.

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N.V. RAMANA, J.

Date: 07.08.2007
Nsr

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[1] 1994 (4) SCC 138